

APPLICANT(S): MERON ET AL
SERIAL NO.: 10/036,490
FILED: January 7, 2002
Page 6

REMARKS

The present response is intended to be fully responsive to all points of objection and/or rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

The Telephone Interview

Initially, Applicants wish to thank Examiner Gary Counts and Examiner Long Lee for granting and attending the telephonic interview on February 22, 2005 with Caleb Pollack, Reg. No. 37,912 attorney of record for the Applicant, Netta Nashilevich an associate of Mr. Pollack and Tina Bellomo, a representative of the assignee.

Applicants' representatives discussed with the Examiners proposed draft claim amendments to claim 1, which are reflected above. Applicants' representatives also discussed with the Examiners prior art cited by the Examiner in the subject office action, particularly Colvin, Jr. (U.S. Patent No. 6,330,464), Kovacs et al. (US Patent No. 5, 833, 603), and Alfano et al. (US Patent No. 6,240,312). Agreement regarding the prior art 35 U.S.C. § 102 rejections and 35 U.S.C. § 103 rejections of record were not reached. However, the Examiners agreed to consider the proposed amendments discussed in a written response to the subject office action. This Amendment and Response includes, inter alia, the discussed claim amendments.

STATUS OF CLAIMS

Claims 1, 3-5, 7-11, 14-16, 18-44, 46-48, and 50 are pending. Claims 23-44, 47 and 48 have been previously withdrawn from consideration without prejudice or disclaimer. Claims 2, 6, 12-13, 17, 45, and 49 have been previously cancelled without prejudice and disclaimer. All pending claims were rejected in the Office Action dated September 20, 2005. Claims 1, 5, 7, 14, 16, and 18-22 have been amended.

In claim 1, the amendments proposed are supported, inter alia in lines 22-29 of page 10, and in lines from line 15, page 11 to line 3, page 12 of the specification, and in figures 1 and 7. In claims 4-5, 7 and 50, the amendments are supported, inter alia in paragraph lines 16-17 on page 3 and in lines 22-28 on page 11 of the specification and is also supported, inter alia, by Fig.

APPLICANT(S): MERON ET AL
SERIAL NO.: 10/036,490
FILED: January 7, 2002
Page 7

1 where the support 22 points to the viewing window of the medical device. In claims 14, and 18-19, the amendments are supported, inter alia, in lines 30-36 on page 3 and in lines from line 29 on page 11 to line 3 on page 12 of the specification. In claim 16, the amendment is supported inter alia, in lines from line 29 on page 11 to line 3 on page 12 of the specification. In claims 20 and 22, the amendments are supported inter alia, in lines from line 34 on page 6 to line 7 on page 7 of the specification. In claim 21, the amendment is supported, inter alia, in lines 10-19 on page 4 of the specification.

Claims 3 and 15 are cancelled herein without prejudice or disclaimer. In making this cancellation without prejudice, Applicants reserve all rights in these claims to file divisional and/or continuation patent applications.

Applicants respectfully assert that the amendments to the claims add no new matter.

CLAIM REJECTIONS

35 U.S.C. § 102 Rejections

In the Office Action, the Examiner rejected claims 1, 3, 8, 14, 15, 18-22, 46 and 50 under 35 U.S.C. § 102(e), as being anticipated by Colvin, Jr. (U.S. Patent No. 6,330,464). Applicants respectfully traverse the rejection of claims 1, 3, 8, 14, 15, 18-22, 46 and 50 under 35 U.S.C. § 102(e), as being anticipated by Colvin, Jr. in view of the remarks that follow.

During the February 22 interview, the Examiners and Applicants' representatives discussed amendments to claim 1 that Applicants assert overcome the prior art rejections of record. These amendments are reflected in the amendment to claim 1, above.

Applicants' independent claim 1 as amended includes, inter alia, the limitation of "a camera system which detects an image of the gastrointestinal tract via the viewing window". Colvin, Jr. does not disclose a system with a camera system that detects images of the gastrointestinal tract as is recited in Applicants' independent claim 1.

In order for a reference to anticipate a claim under 35 U.S.C. § 102(e), the reference must teach each and every element of the claim being rejected. Therefore independent claim 1 as amended is not anticipated by Colvin, Jr. Applicants respectfully request that the Examiner

APPLICANT(S): MERON ET AL
SERIAL NO.: 10/036,490
FILED: January 7, 2002
Page 8

withdraw the rejection of independent claim 1 as amended, under 35 U.S.C. § 102(e), as being anticipated by Colvin, Jr.

As discussed, Applicants' independent claim 1 is allowable. Each of dependent claims 3, 8, 14, 15, 18-22, 46 and 50 depend, directly or indirectly, from independent claim 1, as amended, and thereby include all of the elements of independent claim 1. Therefore dependent claims 3, 8, 14, 15, 18-22, 46 and 50 are likewise allowable and request the Examiner withdraw his rejection of claims 3, 8, 14, 15, 18-22, 46 and 50 as being anticipated by Colvin, Jr.

Claims 3 and 15 are cancelled hereinabove. The rejection of claims 3 and 15 is therefore moot.

35 U.S.C. § 103 Rejections

In the Office Action, the Examiner rejected claims 1, 3-4, 7, 8, 14-16, 18-22, 46 and 50 under 35 U.S.C. § 103(a) as being unpatentable over Kovacs (U.S. Patent No. 5,833,603) in view of Alfano (U.S. Patent No. 6,240,312).

Applicants respectfully traverse the rejection of independent claims 1, 3-4, 7, 8, 14-16, 18-22, 46 and 50 under 35 U.S.C. § 103(a) as being unpatentable over Kovacs in view of Alfano.

During the February 22 interview, the Examiners and Applicants' representatives discussed amendments that Applicants assert overcome the prior art rejections of record. These amendments are reflected in claim 1, as amended and listed hereinabove.

According to M.P.E.P. §2142, "In order to establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art references must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on Applicants' disclosure."

APPLICANT(S): MERON ET AL
SERIAL NO.: 10/036,490
FILED: January 7, 2002
Page 9

Without conceding the appropriateness of the combination, Applicants respectfully submit that the combination of Kovacs and Alfano does not meet the requirements of an obviousness rejection as applied to claims 1, 3-4, 7, 8, 14-16, 18-22, 46 and 50 in that the combination at least fails to teach or suggest all the elements of these claims.

Amended independent claim 1 recites, *inter alia*, "a camera system which detects an image of the gastrointestinal tract via the viewing window" and "a reactant immobilized on the viewing window which when in the presence of the substance reacts with the substance resulting in an optical change in the image detected by the camera system". Kovacs and/or Alfano, alone or in combination, do not disclose, teach or suggest at least these features of the claimed invention.

Applicants would like to point out that the biosensor and/or the imager of Kovacs is not configured to detect an image of the gastrointestinal tract via a viewing window on which a reactant is immobilized as is required by Applicants claim 1.

Therefore, Kovacs and/or Alfano do not render claim 1 unpatentable under 35 U.S.C. § 103(a).

As discussed, claim 1 as amended is allowable. Each of dependent claims 3-4, 7, 8, 14-16, 18-22, 46 and 50 depend, directly or indirectly, from independent claim 1, as amended, and thereby include all of the elements of independent claim 1. Therefore, Applicants respectfully assert that dependent claims 3-4, 7, 8, 14-16, 18-22, 46 and 50 are likewise allowable and request the Examiner withdraw his rejection of dependent claims 3-4, 7, 8, 14-16, 18-22, 46 and 50 as being unpatentable over Kovacs in view of Alfano.

Thus Applicants respectfully request that the rejection of claims 1, 3-4, 7, 8, 14-16, 18-22, 46 and 50 under 35 U.S.C. § 103(a) as being unpatentable over Kovacs in view of Alfano be withdrawn

Claims 3 and 15 are cancelled hereinabove. The rejection of claims 3 and 15 is therefore moot.

In the Office Action, the Examiner rejected claims 5 and 9-11 under 35 U.S.C. § 103(a) as being unpatentable over Kovacs (U.S. Patent No. 5,833,603) and Alfano (U.S. Patent No. 6,240,312) in view of Atarashi et al. (U.S. Patent No. 6,162,469).

APPLICANT(S): MERON ET AL
SERIAL NO.: 10/036,490
FILED: January 7, 2002
Page 10

As discussed above, independent claim 1, as amended is allowable over Kovacs in view of Alfano. Atarashi et al. does not cure the deficiencies of Kovacs and Alfano. Since dependent claims 5 and 9-11 depend directly from independent claim 1 and include all of the elements of independent claim 1 as amended, Applicants assert that dependent claims 5 and 9-11 are allowable. Thus Applicants respectfully request that the rejection of claim 5 and 9-11 under 35 U.S.C. § 103(a) as being unpatentable over Kovacs and Alfano in view of Atarashi et al. be withdrawn.

Conclusion

Applicants submit that, for at least the reasons presented above, the Applicants' claims are patentable. Their favorable reconsideration and allowance is respectfully requested.

Should the Examiner have any question or comment as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

The fee for the petition for three month's extension of time is being requested separately. Outside of this fee, no fee is believed to be due in connection with this paper. However, if any fee is due, please charge any such fees associated with this paper to deposit account No. 55-3355.

Respectfully submitted,
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